

08-03-05

PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

1

Application Number

10/712,745

Filing Date

11/13/2003

First Named Inventor

Barrie P. Swain

Art Unit

3643

Examiner Name

Robert P. Swiatek

Attorney Docket Number

7851

**ENCLOSURES (check all that apply)**☒ Fee Transmittal Form☒ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☒ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/  
Incomplete Application☐ Reply to Missing Parts  
under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ Landscape Table on CD☐ After Allowance Communication to TC☐ Appeal Communication to Board  
of Appeals and Interferences☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s)  
(please identify below):-Copy of Foreign Patent Document(s) and  
Foreign Search Report-Transmittal of Information Disclosure  
Statement After Mailing Date of Final  
Action, Notice of Allowance, or Action that  
Closes Prosecution but Before Payment of  
Issue Fee-Statement for Information Disclosure  
Under 37 C.F.R. § 1.97(d)**Remarks****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm

Reinhart Boerner Van Deuren s.c.

Signature

Printed Name

Antonia M. Holland

Date

August 2, 2005

Reg.  
No.

53,840

**CERTIFICATE OF TRANSMISSION/MAILING**I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as Express Mail No. **EV717267165US** in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

Typed or printed name

Jeff D. Stobbe

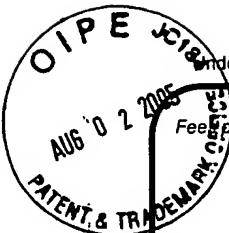
Date

August 2, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

MW1222533



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.  
Effective on 12/08/2004.  
Fee pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL for FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$180.00)

### Complete if Known

Application Number	10/712,745
Filing Date	11/13/2003
First Named Inventor	Barrie P. Swain
Examiner Name	Robert P. Swiatek
Art Unit	3643
Attorney Docket No.	7851

### METHOD OF PAYMENT (check all that apply)

- ☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : \_\_\_\_\_  
☐ Deposit Account Deposit Account Number: 18-0882 Deposit Account Name: \_\_\_\_\_  
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)  
☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☐ Charge any additional fee(s) or underpayments of fee(s) ☒ Credit any overpayments; charge any discrepancy or underpayment

Under 37 CFR 1.16 and 1.17, except for the issue fee  
**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

##### Fee Description

Each claim over 20 (including Reissues)  
Each independent claim over 3 (including Reissues)  
Multiple dependent claims

Small Entity	
Fee (\$)	Fee (\$)
50	25
200	100
360	180

**Total Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**

\_\_\_\_ -20 or HP= \_\_\_\_ x \_\_\_\_ = \_\_\_\_  
HP = highest number of total claims paid for, if greater than 20.

**Indep. Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**

\_\_\_\_ - 3 or HP= \_\_\_\_ x \_\_\_\_ = \_\_\_\_  
HP = highest number of independent claims paid for, if greater than 3.

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

**Total Sheets**      **Extra Sheets**      **Number of each additional 50 or fraction thereof**      **Fee (\$)**      **Fee Paid (\$)**

\_\_\_\_ - 100 = \_\_\_\_ / 50 = \_\_\_\_ (round up to a whole number) x

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Submission of supplemental IDS \$180.00

### SUBMITTED BY

Signature	Antonia M. Holland	Registration No. (Attorney/Agent)	53,840	Telephone	414-298-8285
Name (Print/Type)	Antonia M. Holland	Date	August 2, 2005		

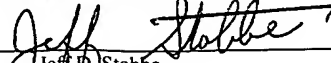
**PATENT**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. **EV717267165US** in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 2, 2005.

Reinhart Boerner Van Deuren s.c.

Dated: August 2, 2005

BY: \_\_\_\_\_

  
Jeff D. Stobbe

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Barrie P. Swain	)	Group Art No.: 3643
	)	
Serial No.: 10/712,745	)	Examiner: Robert P. Swiatek
	)	
Filed: November 13, 2003	)	Atty Docket No. 7851
	)	
For: SADDLE TREE INCLUDING A	)	
PROGRESSIVE FLEX	)	08/04/2005 BABRAHA1 00000042 10712745
HEADPLATE ASSEMBLY	)	01 FC:1806 180.00 OP

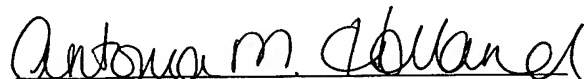
**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**STATEMENT FOR INFORMATION DISCLOSURE UNDER 37 C.F.R.  
§ 1.97(e)**

1. This statement is being made for the Information Disclosure Statement accompanying this statement.
2. I, the person(s) signing below state:

that each item of information contained in the information disclosure statement was first cited in any communication (copy attached) from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. § 1.97(e)(1).

3. The person making this statement is the practitioner who signs below on the basis of the information in the practitioner's file.



Antonia M. Holland

Registration No. 53,840  
Telephone No.: 414-298-8285

Customer No.: 22922

Reinhart Boerner Van Deuren s.c.  
Attn: Linda Gabriel, Docket Clerk  
1000 North Water Street, Suite 2100  
Milwaukee, WI 53202



Practitioner's Docket No. 7851

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Application No.: 10 / 712,745

Group No. 3643

Filed: August 2, 2005

Examiner: Robert P. Swiatek

For: Barrie P. Swain

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

ATTENTION: GROUP DIRECTOR

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT AFTER  
MAILING DATE OF FINAL ACTION, NOTICE OF ALLOWANCE  
OR ACTION THAT CLOSSES PROSECUTION BUT BEFORE  
PAYMENT OF ISSUE FEE (37 C.F.R. § 1.97(d))

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is *mandatory*; Express Mail certification is *optional*.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10\*

- ☐ with sufficient postage as first class mail.

- ☒ as "Express Mail Post Office to Addressee"

Mailing Label No. EV 717267165 US

(mandatory)

TRANSMISSION

- ☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_.

Date: 8/2/05

Signature

Jeff Stobbe

Jeff Stobbe

(type or print name of person certifying)

" Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Transmittal of Information Disclosure Statement after Mailing Date of Final Action or Notice of Allowance But



NOTE: 37 C.F.R. 1.97(d): An information disclosure statement shall be considered by the Office if filed by the applicant after the period specified in paragraph (c) of this section [i.e., after the mailing date of any final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application], provided that the information disclosure statement is filed on or before payment of the issue fee and is accompanied by:

- (1) The statement specified in paragraph (e) of this section; and
- (2) The fee set forth in § 1.17(p).

NOTE: An information disclosure statement shall be considered by the Office if filed after the mailing date of either, (1) a final action under § 1.113 or (2) a notice of allowance under § 1.311, whichever occurs first, but before payment of the issue fee, provided the statement is accompanied by: (i) a statement as specified in paragraph (e) of section 1.97, (ii) a petition requesting consideration of the information disclosure statement, and (iii) the petition fee set forth in § 1.17(p).

NOTE: If the information disclosure statement that contains the items required by 37 C.F.R. § 1.97(d) is filed before, or simultaneously with, the payment of the issue fee, then it will be considered. See Notice of April 20, 1992 (1138 O.G. 37-41, 40) and 37 C.F.R. § 1.97(d).

### TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed **after** a final action under § 1.113, or a notice of allowance under § 1.311, whichever occurs first but before, or simultaneously with, the payment of the issue fee.

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner" Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114

### STATEMENT, PETITION AND FEE

2. In accordance with the requirements of 37 C.F.R. § 1.97(d):
  - A. Accompanying this transmittal is a statement, as specified in 37 CFR § 1.97(e).
  - B. Applicant hereby petitions for the consideration of the accompanying information disclosure statement. 37 C.F.R. § 1.97(d)(2).
  - C. Applicant submits the petition fee set forth in § 1.17(p) (\$180.00).

NOTE: The petition should be directed to the Group Director of the examining group handling the application. The petition need do nothing more than request consideration of the information being submitted " Notice of April 20, 1992 (1138 O.G. 37-41, 40).

### FEE DUE

3. Petition fee due (§ 1.17(p)): \$180.00

### METHOD OF PAYMENT OF FEE

4.
  - ☒ Attached is a ☒ check ☐ money order in the amount of \$ 180.00
  - ☐ Authorization is hereby made to charge the amount of \$ \_\_\_\_\_
    - ☐ to Deposit Account No. \_\_\_\_\_
    - ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

(Transmittal of Information Disclosure Statement after Mailing Date of Final Action or Notice of Allowance But before Payment of Issue Fee [6-5]—page 2 of 3)

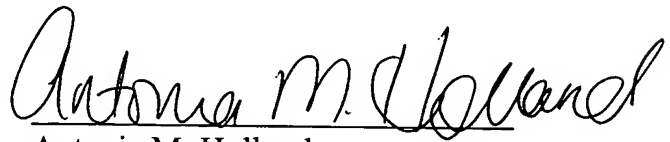
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- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

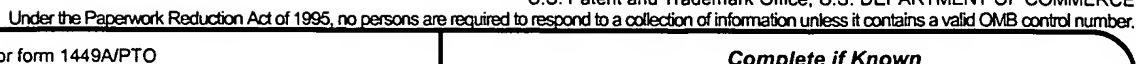
Registration No. 53,840  
Telephone No.: 414-298-8285

Customer No.: 22922



Antonia M. Holland  
Reinhart Boerner Van Deuren s.c.  
Attn: Linda Gabriel, Docket Clerk  
1000 North Water Street, Suite 2100  
Milwaukee, WI 53202

(Transmittal of Information Disclosure Statement after Mailing Date of Final Action or Notice of Allowance But  
before Payment of Issue Fee [6-5]—page 3 of 3)



*(Use as many sheets as necessary)*

Sheet	1	of	1
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**Complete if Known**

<i>Application Number</i>	10/712,745
<i>Filing Date</i>	11/13/2003
<i>First Named Inventor</i>	Barrie P. Swain
<i>Art Unit</i>	3643
<i>Examiner Name</i>	Robert P. Swiatek
<i>Attorney Docket Number</i>	7851

[illegible][illegible]

Examiner  
Signature

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MWI222531AMH:SMM